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1 A bill to be entitled

2 An act relating to child support; amending s. 61.13, F.S.;
3 requiring either or both parents who owe support to secure
4 a child support award; amending s. 61.30, F.S.; providing
5 conditions for the imputation of income by the court under
6 certain circumstances; providing for the determination of
7 net income; providing the child support guidelines
8 schedule; revising amount of child care costs to be added
9 to the basic child support obligation; revising method for
10 calculating each parent's percentage share of the child
11 support need; revising method of calculating the total
12 minimum child support need; revising factors to be
13 considered by the court in adjusting child support awards;
14 providing for calculation of child support orders in cases
15 of split parenting arrangements; specifying the method for
16 determining a child support order amount; amending s.
17 409.2564, F.S.; providing a threshold for arrearages
18 before passport restrictions apply; amending s. 409.25641,
19 F.S.; requiring the Department of Revenue to employ
20 automated administrative enforcement of support orders in
21 interstate cases; authorizing the department to establish
22 a corresponding case under certain circumstances;
23 requiring the Office of Program Policy Analysis and
24 Government Accountability to evaluate state compliance
25 with federally required review of child support guidelines
26 and provide a report to the Governor and Legislature;
27 providing an effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:

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31 Section 1. Paragraphs (a) and (c) of subsection (1) of
32 section 61.13, Florida Statutes, are amended to read:

33 61.13 Custody and support of children; visitation rights;
34 power of court in making orders.--

35 (1)(a) In a proceeding under this chapter, the court may at
36 any time order either or both parents who owe a duty of support
37 to a child to pay support in accordance with the child support
38 guidelines in s. 61.30. The court initially entering an order
39 requiring one or both parents to make child support payments
40 shall have continuing jurisdiction after the entry of the initial
41 order to modify the amount and terms and conditions of the child
42 support payments when the modification is found necessary by the
43 court in the best interests of the child, when the child reaches
44 majority, or when there is a substantial change in the
45 circumstances of the parties. The court initially entering a
46 child support order shall also have continuing jurisdiction to
47 require the obligee to report to the court on terms prescribed by
48 the court regarding the disposition of the child support
49 payments.

50 (c) To the extent necessary to protect an award of child
51 support, the court may order either or both parents who owe a
52 duty of support to a child ~~the obligor~~ to purchase or maintain a
53 life insurance policy or a bond, or to otherwise secure the child
54 support award with any other assets which may be suitable for
55 that purpose, depending upon the equities of the cause.

56 Section 2. Section 61.30, Florida Statutes, is amended to
57 read:

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58 61.30 Child support guidelines; guidelines schedule;
59 retroactive child support.--

60 (1)(a) The child support guideline amount as determined by
61 this section presumptively establishes the amount the trier of
62 fact shall order as child support in an initial proceeding for
63 such support or in a proceeding for modification of an existing
64 order for such support, whether the proceeding arises under this
65 or another chapter. The trier of fact may order payment of child
66 support which varies, plus or minus 5 percent, from the guideline
67 amount, after considering all relevant factors, including the
68 needs of the child or children, age, station in life, standard of
69 living, and the financial status and ability of each parent. The
70 trier of fact may order payment of child support in an amount
71 which varies more than 5 percent from such guideline amount only
72 upon a written finding explaining why ordering payment of such
73 guideline amount would be unjust or inappropriate.

74 Notwithstanding the variance limitations of this section, the
75 trier of fact shall order payment of child support which varies
76 from the guideline amount as provided in paragraph (1)(b)
77 whenever any of the children are required by court order or
78 mediation agreement to spend a substantial amount of time with
79 the primary and secondary residential parents. This requirement
80 applies to any living arrangement, whether temporary or
81 permanent.

82 (b) The guidelines may provide the basis for proving a
83 substantial change in circumstances upon which a modification of
84 an existing order may be granted. However, the difference between
85 the existing monthly obligation and the amount provided for under
86 the guidelines shall be at least 15 percent or \$50, whichever

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87 amount is greater, before the court may find that the guidelines
88 provide a substantial change in circumstances.

89 (c) For each support order reviewed by the department as
90 required by s. 409.2564(11), if the amount of the child support
91 award under the order differs by at least 10 percent but not less
92 than \$25 from the amount that would be awarded under s. 61.30,
93 the department shall seek to have the order modified and any
94 modification shall be made without a requirement for proof or
95 showing of a change in circumstances.

96 (2) Income shall be determined on a monthly basis for each
97 parent ~~the obligor and for the obligee~~ as follows:

98 (a) Gross income shall include, but is not limited to, the
99 following ~~items~~:

100 1. Salary or wages.

101 2. Bonuses, commissions, allowances, overtime, tips, and
102 other similar payments.

103 3. Business income from sources such as self-employment,
104 partnership, close corporations, and independent contracts.

105 "Business income" means gross receipts minus ordinary and
106 necessary expenses required to produce income.

107 4. Disability benefits.

108 5. All workers' compensation benefits and settlements.

109 6. Unemployment compensation.

110 7. Pension, retirement, or annuity payments.

111 8. Social security benefits.

112 9. Spousal support received from a previous marriage or
113 court ordered in the marriage before the court.

114 10. Interest and dividends.

115 11. Rental income, which is gross receipts minus ordinary

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and necessary expenses required to produce the income.

12. Income from royalties, trusts, or estates.

13. Reimbursed expenses or in kind payments to the extent that they reduce living expenses.

14. Gains derived from dealings in property, unless the gain is nonrecurring.

(b)1. Income on a monthly basis shall be imputed to an unemployed or underemployed parent when such employment or underemployment is found by the court to be voluntary on that parent's part, absent a finding of fact by the court of physical or mental incapacity or other circumstances over which the parent has no control. In the event of such voluntary unemployment or underemployment, the employment potential and probable earnings level of the parent shall be determined based upon his or her recent work history, occupational qualifications, and prevailing earnings level in the community as provided in this paragraph; however, the court may refuse to impute income to a primary residential parent if the court finds it necessary for the parent to stay home with the child who is the subject of the child support calculation to care for that child.

2. In order for the court to impute income under subparagraph 1., the court must make specific findings of fact consistent with the requirements of this paragraph. The party seeking to impute income has the burden to present competent, substantial evidence:

a. That the unemployment or underemployment is voluntary;
and

b. That identifies the amount and source of the imputed income, through evidence of available income from employment for

145 which the party is suitably qualified by education, experience,
146 current licensure, or geographic location, with due consideration
147 being given to the parties' current existing parental obligations
148 and time-sharing plan and their historical compliance with the
149 plan.

150 3. A rebuttable presumption shall exist, which entitles the
151 court to impute Florida minimum wage to a parent if no other
152 evidentiary basis or mechanism for establishing a parent's gross
153 income is available, absent a finding by the court that:

154 a. The parent has a physical or mental incapacity that
155 renders the parent unemployable or underemployed;

156 b. The parent needs to stay home with a child who is the
157 subject of the child support calculation proceedings and care for
158 that child, thereby preventing the parent's employment or
159 rendering the parent underemployed; or

160 c. There are other circumstances over which the parent has
161 no control, except for penal incarceration, which prevents the
162 parent from earning an income.

163
164 If evidence is produced that demonstrates that the parent is a
165 resident of another state, the state minimum wage applicable to
166 the parent's state of residence shall apply if it is greater than
167 the Florida minimum wage. In the absence of a state minimum wage
168 or if the other state's minimum wage is lower than the Florida
169 minimum wage, the federal minimum wage as determined by the
170 United States Department of Labor shall apply.

171 4. Income may not be imputed beyond minimum wage
172 requirements in subparagraph 3. based upon:

173 a. Income records that are more than 5 years old at the

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174 time of the hearing or trial at which imputation is sought.

175 b. Income at a level that a party has not previously ever
176 earned in the past, unless recently degreed, licensed, certified,
177 relicensed, or recertified and thus qualified for, subject to
178 geographic location, with due consideration being given to the
179 parties' current existing parental obligations and time-sharing
180 plan and their historical compliance with the plan.

181 (c) Public assistance as defined in s. 409.2554 shall be
182 excluded from gross income.

183 (3) Net income is obtained by subtracting allowable
184 deductions from gross income. Allowable deductions shall include:

185 (a) Federal, state, and local income tax deductions,
186 adjusted for actual filing status and allowable dependents and
187 income tax liabilities.

188 (b) Federal insurance contributions or self-employment tax.

189 (c) Mandatory union dues.

190 (d) Mandatory retirement payments.

191 (e) Health insurance payments, excluding payments for
192 coverage of the minor child.

193 (f) Court-ordered support for other children which is
194 actually paid.

195 (g) Spousal support paid pursuant to a court order from a
196 previous marriage or the marriage before the court.

197 (4) Net income for each parent ~~the obligor and net income~~
198 ~~for the obligee~~ shall be computed by subtracting allowable
199 deductions from gross income.

200 (5) Net income for each parent ~~the obligor and net income~~
201 ~~for the obligee~~ shall be added together for a combined net
202 income.

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(6) The following guidelines schedules shall be applied to the combined net income to determine the minimum child support need:

Combined Monthly <u>Net</u> Available Income		Child or Children					
	One	Two	Three	Four	Five	Six	
650.00	74	75	75	76	77	78	
700.00	119	120	121	123	124	125	
750.00	164	166	167	169	171	173	
800.00	190	211	213	216	218	220	
850.00	202	257	259	262	265	268	
900.00	213	302	305	309	312	315	
950.00	224	347	351	355	359	363	
1000.00	235	365	397	402	406	410	
1050.00	246	382	443	448	453	458	
1100.00	258	400	489	495	500	505	
1150.00	269	417	522	541	547	553	
1200.00	280	435	544	588	594	600	
1250.00	290	451	565	634	641	648	

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

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221	1300.00	300	467	584	659	688	695
222	1350.00	310	482	603	681	735	743
223	1400.00	320	498	623	702	765	790
224	1450.00	330	513	642	724	789	838
225	1500.00	340	529	662	746	813	869
226	1550.00	350	544	681	768	836	895
227	1600.00	360	560	701	790	860	920
228	1650.00	370	575	720	812	884	945
229	1700.00	380	591	740	833	907	971
230	1750.00	390	606	759	855	931	996
231	1800.00	400	622	779	877	955	1022
232	1850.00	410	638	798	900	979	1048
233	1900.00	421	654	818	923	1004	1074
234	1950.00	431	670	839	946	1029	1101
235	2000.00	442	686	859	968	1054	1128
236	2050.00	452	702	879	991	1079	1154
237	2100.00	463	718	899	1014	1104	1181
238							

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239	2150.00	473	734	919	1037	1129	1207
240	2200.00	484	751	940	1060	1154	1234
241	2250.00	494	767	960	1082	1179	1261
242	2300.00	505	783	980	1105	1204	1287
243	2350.00	515	799	1000	1128	1229	1314
244	2400.00	526	815	1020	1151	1254	1340
245	2450.00	536	831	1041	1174	1279	1367
246	2500.00	547	847	1061	1196	1304	1394
247	2550.00	557	864	1081	1219	1329	1420
248	2600.00	568	880	1101	1242	1354	1447
249	2650.00	578	896	1121	1265	1379	1473
250	2700.00	588	912	1141	1287	1403	1500
251	2750.00	597	927	1160	1308	1426	1524
252	2800.00	607	941	1178	1328	1448	1549
253	2850.00	616	956	1197	1349	1471	1573
254	2900.00	626	971	1215	1370	1494	1598
255	2950.00	635	986	1234	1391	1517	1622
	3000.00	644	1001	1252	1412	1540	1647

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256	3050.00	654	1016	1271	1433	1563	1671
257	3100.00	663	1031	1289	1453	1586	1695
258	3150.00	673	1045	1308	1474	1608	1720
259	3200.00	682	1060	1327	1495	1631	1744
260	3250.00	691	1075	1345	1516	1654	1769
261	3300.00	701	1090	1364	1537	1677	1793
262	3350.00	710	1105	1382	1558	1700	1818
263	3400.00	720	1120	1401	1579	1723	1842
264	3450.00	729	1135	1419	1599	1745	1867
265	3500.00	738	1149	1438	1620	1768	1891
266	3550.00	748	1164	1456	1641	1791	1915
267	3600.00	757	1179	1475	1662	1814	1940
268	3650.00	767	1194	1493	1683	1837	1964
269	3700.00	776	1208	1503	1702	1857	1987
270	3750.00	784	1221	1520	1721	1878	2009
271	3800.00	793	1234	1536	1740	1899	2031
272	3850.00	802	1248	1553	1759	1920	2053
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274	3900.00	811	1261	1570	1778	1940	2075
275	3950.00	819	1275	1587	1797	1961	2097
276	4000.00	828	1288	1603	1816	1982	2119
277	4050.00	837	1302	1620	1835	2002	2141
278	4100.00	846	1315	1637	1854	2023	2163
279	4150.00	854	1329	1654	1873	2044	2185
280	4200.00	863	1342	1670	1892	2064	2207
281	4250.00	872	1355	1687	1911	2085	2229
282	4300.00	881	1369	1704	1930	2106	2251
283	4350.00	889	1382	1721	1949	2127	2273
284	4400.00	898	1396	1737	1968	2147	2295
285	4450.00	907	1409	1754	1987	2168	2317
286	4500.00	916	1423	1771	2006	2189	2339
287	4550.00	924	1436	1788	2024	2209	2361
288	4600.00	933	1450	1804	2043	2230	2384
289	4650.00	942	1463	1821	2062	2251	2406
290	4700.00	951	1477	1838	2081	2271	2428
	4750.00	959	1490	1855	2100	2292	2450

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291	4800.00	968	1503	1871	2119	2313	2472
292	4850.00	977	1517	1888	2138	2334	2494
293	4900.00	986	1530	1905	2157	2354	2516
294	4950.00	993	1542	1927	2174	2372	2535
295	5000.00	1000	1551	1939	2188	2387	2551
296	5050.00	1006	1561	1952	2202	2402	2567
297	5100.00	1013	1571	1964	2215	2417	2583
298	5150.00	1019	1580	1976	2229	2432	2599
299	5200.00	1025	1590	1988	2243	2447	2615
300	5250.00	1032	1599	2000	2256	2462	2631
301	5300.00	1038	1609	2012	2270	2477	2647
302	5350.00	1045	1619	2024	2283	2492	2663
303	5400.00	1051	1628	2037	2297	2507	2679
304	5450.00	1057	1638	2049	2311	2522	2695
305	5500.00	1064	1647	2061	2324	2537	2711
306	5550.00	1070	1657	2073	2338	2552	2727
307	5600.00	1077	1667	2085	2352	2567	2743
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309	5650.00	1083	1676	2097	2365	2582	2759
310	5700.00	1089	1686	2109	2379	2597	2775
311	5750.00	1096	1695	2122	2393	2612	2791
312	5800.00	1102	1705	2134	2406	2627	2807
313	5850.00	1107	1713	2144	2418	2639	2820
314	5900.00	1111	1721	2155	2429	2651	2833
315	5950.00	1116	1729	2165	2440	2663	2847
316	6000.00	1121	1737	2175	2451	2676	2860
317	6050.00	1126	1746	2185	2462	2688	2874
318	6100.00	1131	1754	2196	2473	2700	2887
319	6150.00	1136	1762	2206	2484	2712	2900
320	6200.00	1141	1770	2216	2495	2724	2914
321	6250.00	1145	1778	2227	2506	2737	2927
322	6300.00	1150	1786	2237	2517	2749	2941
323	6350.00	1155	1795	2247	2529	2761	2954
324	6400.00	1160	1803	2258	2540	2773	2967
325	6450.00	1165	1811	2268	2551	2785	2981
	6500.00	1170	1819	2278	2562	2798	2994

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326	6550.00	1175	1827	2288	2573	2810	3008
327	6600.00	1179	1835	2299	2584	2822	3021
328	6650.00	1184	1843	2309	2595	2834	3034
329	6700.00	1189	1850	2317	2604	2845	3045
330	6750.00	1193	1856	2325	2613	2854	3055
331	6800.00	1196	1862	2332	2621	2863	3064
332	6850.00	1200	1868	2340	2630	2872	3074
333	6900.00	1204	1873	2347	2639	2882	3084
334	6950.00	1208	1879	2355	2647	2891	3094
335	7000.00	1212	1885	2362	2656	2900	3103
336	7050.00	1216	1891	2370	2664	2909	3113
337	7100.00	1220	1897	2378	2673	2919	3123
338	7150.00	1224	1903	2385	2681	2928	3133
339	7200.00	1228	1909	2393	2690	2937	3142
340	7250.00	1232	1915	2400	2698	2946	3152
341	7300.00	1235	1921	2408	2707	2956	3162
342	7350.00	1239	1927	2415	2716	2965	3172
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344	7400.00	1243	1933	2423	2724	2974	3181
345	7450.00	1247	1939	2430	2733	2983	3191
346	7500.00	1251	1945	2438	2741	2993	3201
347	7550.00	1255	1951	2446	2750	3002	3211
348	7600.00	1259	1957	2453	2758	3011	3220
349	7650.00	1263	1963	2461	2767	3020	3230
350	7700.00	1267	1969	2468	2775	3030	3240
351	7750.00	1271	1975	2476	2784	3039	3250
352	7800.00	1274	1981	2483	2792	3048	3259
353	7850.00	1278	1987	2491	2801	3057	3269
354	7900.00	1282	1992	2498	2810	3067	3279
355	7950.00	1286	1998	2506	2818	3076	3289
356	8000.00	1290	2004	2513	2827	3085	3298
357	8050.00	1294	2010	2521	2835	3094	3308
358	8100.00	1298	2016	2529	2844	3104	3318
359	8150.00	1302	2022	2536	2852	3113	3328
360	8200.00	1306	2028	2544	2861	3122	3337
	8250.00	1310	2034	2551	2869	3131	3347

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361	8300.00	1313	2040	2559	2878	3141	3357
362	8350.00	1317	2046	2566	2887	3150	3367
363	8400.00	1321	2052	2574	2895	3159	3376
364	8450.00	1325	2058	2581	2904	3168	3386
365	8500.00	1329	2064	2589	2912	3178	3396
366	8550.00	1333	2070	2597	2921	3187	3406
367	8600.00	1337	2076	2604	2929	3196	3415
368	8650.00	1341	2082	2612	2938	3205	3425
369	8700.00	1345	2088	2619	2946	3215	3435
370	8750.00	1349	2094	2627	2955	3224	3445
371	8800.00	1352	2100	2634	2963	3233	3454
372	8850.00	1356	2106	2642	2972	3242	3464
373	8900.00	1360	2111	2649	2981	3252	3474
374	8950.00	1364	2117	2657	2989	3261	3484
375	9000.00	1368	2123	2664	2998	3270	3493
376	9050.00	1372	2129	2672	3006	3279	3503
377	9100.00	1376	2135	2680	3015	3289	3513
378							

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379	9150.00	1380	2141	2687	3023	3298	3523
380	9200.00	1384	2147	2695	3032	3307	3532
381	9250.00	1388	2153	2702	3040	3316	3542
382	9300.00	1391	2159	2710	3049	3326	3552
383	9350.00	1395	2165	2717	3058	3335	3562
384	9400.00	1399	2171	2725	3066	3344	3571
385	9450.00	1403	2177	2732	3075	3353	3581
386	9500.00	1407	2183	2740	3083	3363	3591
387	9550.00	1411	2189	2748	3092	3372	3601
388	9600.00	1415	2195	2755	3100	3381	3610
389	9650.00	1419	2201	2763	3109	3390	3620
390	9700.00	1422	2206	2767	3115	3396	3628
391	9750.00	1425	2210	2772	3121	3402	3634
392	9800.00	1427	2213	2776	3126	3408	3641
393	9850.00	1430	2217	2781	3132	3414	3647
394	9900.00	1432	2221	2786	3137	3420	3653
395	9950.00	1435	2225	2791	3143	3426	3659
	10000.00	1437	2228	2795	3148	3432	3666

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For combined monthly available income less than the amount set out on the above schedules, the parent should be ordered to pay a child support amount, determined on a case-by-case basis, to establish the principle of payment and lay the basis for increased orders should the parent's income increase in the future. For combined monthly available income greater than the amount set out in the above schedules, the obligation shall be the minimum amount of support provided by the guidelines schedule plus the following percentages multiplied by the amount of income over \$10,000:

Child or Children

One	Two	Three	Four	Five	Six
5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

(7) Child care costs incurred on behalf of the children due to employment, job search, or education calculated to result in employment or to enhance income of current employment of either parent shall be ~~reduced by 25 percent and then shall be~~ added to the basic obligation. After the ~~adjusted~~ child care costs are added to the basic obligation, any moneys prepaid by the noncustodial parent for child care costs for the child or children of this action shall be deducted from that noncustodial parent's child support obligation for that child or those children. Child care costs shall not exceed the level required to provide quality care from a licensed source for the children.

(8) Health insurance costs resulting from coverage ordered

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423 pursuant to s. 61.13(1)(b), and any noncovered medical, dental,
424 and prescription medication expenses of the child, shall be added
425 to the basic obligation unless these expenses have been ordered
426 to be separately paid on a percentage basis. After the health
427 insurance costs are added to the basic obligation, any moneys
428 prepaid by the noncustodial parent for health-related costs for
429 the child or children of this action shall be deducted from that
430 noncustodial parent's child support obligation for that child or
431 those children.

432 (9) Each parent's percentage share of the child support
433 need shall be determined by dividing each parent's net monthly
434 income by the combined net monthly income.

435 (10) The total minimum child support need shall be
436 determined by adding child care costs and health insurance costs
437 to the minimum child support need. Each parent's actual dollar
438 share of the total minimum child support need shall be determined
439 by multiplying the minimum child support need by each parent's
440 percentage share of the combined monthly net income.

441 (11)(a) The court may adjust the total minimum child
442 support award, or either or both parents' share of the total
443 minimum child support award, based upon the following deviation
444 factors ~~considerations~~:

- 445 1. Extraordinary medical, psychological, educational, or
446 dental expenses.
- 447 2. Independent income of the child, not to include moneys
448 received by a child from supplemental security income.
- 449 3. The payment of support for a parent which regularly has
450 been paid and for which there is a demonstrated need.
- 451 4. Seasonal variations in one or both parents' incomes or

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452 expenses.

453 5. The age of the child, taking into account the greater
454 needs of older children.

455 6. Special needs, such as costs that may be associated with
456 the disability of a child, that have traditionally been met
457 within the family budget even though the fulfilling of those
458 needs will cause the support to exceed the presumptive amount
459 established by the ~~proposed~~ guidelines.

460 7. Total available assets of the obligee, obligor, and the
461 child.

462 8. The impact of the Internal Revenue Service dependency
463 exemption and waiver of that exemption and the impact of any
464 federal child care tax credit. The court may order the primary
465 residential parent to execute a waiver of the Internal Revenue
466 Service dependency exemption if the noncustodial parent is
467 current in support payments.

468 9. When application of the child support guidelines
469 requires a person to pay another person more than 55 percent of
470 his or her gross income for a child support obligation for
471 current support resulting from a single support order.

472 10. The particular parenting ~~shared-parental~~ arrangement,
473 such as where the child spends a significant amount of time, but
474 less than 20 ~~40~~ percent of the overnights, with the noncustodial
475 parent, thereby reducing the financial expenditures incurred by
476 the primary residential parent; or the refusal of the
477 noncustodial parent to become involved in the activities of the
478 child.

479 11. Any other adjustment which is needed to achieve an
480 equitable result which may include, but not be limited to, a

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481 reasonable and necessary existing expense or debt. Such expense
482 or debt may include, but is not limited to, a reasonable and
483 necessary expense or debt which the parties jointly incurred
484 during the marriage.

485 (b) Whenever a particular parenting ~~shared-parental~~
486 arrangement provides that each child spend a substantial amount
487 of time with each parent, the court shall adjust any award of
488 child support, as follows:

489 1. In accordance with subsections (9) and (10), calculate
490 the amount of support obligation apportioned to the noncustodial
491 parent without including day care and health insurance costs in
492 the calculation and multiply the amount by 1.5.

493 2. In accordance with subsections (9) and (10), calculate
494 the amount of support obligation apportioned to the custodial
495 parent without including day care and health insurance costs in
496 the calculation and multiply the amount by 1.5.

497 3. Calculate the percentage of overnight stays the child
498 spends with each parent.

499 4. Multiply the noncustodial parent's support obligation as
500 calculated in subparagraph 1. by the percentage of the custodial
501 parent's overnight stays with the child as calculated in
502 subparagraph 3.

503 5. Multiply the custodial parent's support obligation as
504 calculated in subparagraph 2. by the percentage of the
505 noncustodial parent's overnight stays with the child as
506 calculated in subparagraph 3.

507 6. The difference between the amounts calculated in
508 subparagraphs 4. and 5. shall be the monetary transfer necessary
509 between the custodial and noncustodial parents for the care of

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the child, subject to an adjustment for day care and health insurance expenses.

7. Pursuant to subsections (7) and (8), calculate the net amounts owed by the custodial and noncustodial parents for the expenses incurred for day care and health insurance coverage for the child. ~~Day care shall be calculated without regard to the 25-percent reduction applied by subsection (7).~~

8. Adjust the support obligation owed by the custodial or noncustodial parent pursuant to subparagraph 6. by crediting or debiting the amount calculated in subparagraph 7. This amount represents the child support which must be exchanged between the custodial and noncustodial parents.

9. The court may deviate from the child support amount calculated pursuant to subparagraph 8. based upon the deviation factors ~~considerations~~ set forth in paragraph (a), as well as the ~~custodial parent's~~ low income of either parent or the inability of either parent ~~and ability~~ to maintain the basic necessities of the home for the child, the likelihood that the noncustodial parent will actually exercise the visitation granted by the court, and whether all of the children are exercising the same parenting ~~shared parental~~ arrangement.

10. For purposes of adjusting any award of child support under this paragraph, "substantial amount of time" means that the noncustodial parent exercises visitation at least 20 ~~40~~ percent of the overnights of the year.

(c) A noncustodial parent's failure to regularly exercise court-ordered or agreed visitation not caused by the custodial parent which resulted in the adjustment of the amount of child support pursuant to subparagraph (a)10. or paragraph (b) shall be

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539 deemed a substantial change of circumstances for purposes of
540 modifying the child support award. A modification pursuant to
541 this paragraph shall be retroactive to the date the noncustodial
542 parent first failed to regularly exercise court-ordered or agreed
543 visitation.

544 (d) A split parenting arrangement exists when there is more
545 than one child in common and each parent has the majority of the
546 overnight timesharing for at least one of the children. In cases
547 involving split parenting arrangements, the court shall calculate
548 and issue a separate child support order for each parent based on
549 the number of children for which that parent has the majority of
550 the overnight timesharing, and the difference between the two
551 calculations is the amount to be paid by the parent with the
552 higher child support order amount.

553 (12) (a) A parent with a support obligation may have other
554 children living with him or her who were born or adopted after
555 the support obligation arose. If such subsequent children exist,
556 the court, when considering an upward modification of an existing
557 award, may disregard the income from secondary employment
558 obtained in addition to the parent's primary employment if the
559 court determines that the employment was obtained primarily to
560 support the subsequent children.

561 (b) Except as provided in paragraph (a), the existence of
562 such subsequent children should not as a general rule be
563 considered by the court as a basis for disregarding the amount
564 provided in the guidelines schedule. The parent with a support
565 obligation for subsequent children may raise the existence of
566 such subsequent children as a justification for deviation from
567 the guidelines schedule. However, if the existence of such

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subsequent children is raised, the income of the other parent of the subsequent children shall be considered by the court in determining whether or not there is a basis for deviation from the guideline amount.

(c) The issue of subsequent children under paragraph (a) or paragraph (b) may only be raised in a proceeding for an upward modification of an existing award and may not be applied to justify a decrease in an existing award.

(13) If the recurring income is not sufficient to meet the needs of the child, the court may order child support to be paid from nonrecurring income or assets.

(14) Every petition for child support or for modification of child support shall be accompanied by an affidavit which shows the party's income, allowable deductions, and net income computed in accordance with this section. The affidavit shall be served at the same time that the petition is served. The respondent, whether or not a stipulation is entered, shall make an affidavit which shows the party's income, allowable deductions, and net income computed in accordance with this section. The respondent shall include his or her affidavit with the answer to the petition or as soon thereafter as is practicable, but in any case at least 72 hours prior to any hearing on the finances of either party.

(15) For purposes of establishing an obligation for support in accordance with this section, if a person who is receiving public assistance is found to be noncooperative as defined in s. 409.2572, the IV-D agency is authorized to submit to the court an affidavit attesting to the income of the custodial parent based upon information available to the IV-D agency.

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597 (16) The Legislature shall review the guidelines
598 established in this section at least every 4 years beginning in
599 1997.

600 (17) In an initial determination of child support, whether
601 in a paternity action, dissolution of marriage action, or
602 petition for support during the marriage, the court has
603 discretion to award child support retroactive to the date when
604 the parents did not reside together in the same household with
605 the child, not to exceed a period of 24 months preceding the
606 filing of the petition, regardless of whether that date precedes
607 the filing of the petition. In determining the retroactive award
608 in such cases, the court shall consider the following:

609 (a) The court shall apply the guidelines schedule in effect
610 at the time of the hearing subject to the obligor's demonstration
611 of his or her actual income, as defined by subsection (2), during
612 the retroactive period. Failure of the obligor to so demonstrate
613 shall result in the court using the obligor's income at the time
614 of the hearing in computing child support for the retroactive
615 period.

616 (b) All actual payments made by the noncustodial parent to
617 the custodial parent or the child or third parties for the
618 benefit of the child throughout the proposed retroactive period.

619 (c) The court should consider an installment payment plan
620 for the payment of retroactive child support.

621 Section 3. Subsection (10) of section 409.2564, Florida
622 Statutes, is amended to read:

623 409.2564 Actions for support.--

624 (10) For the purposes of denial, revocation, or limitation
625 of an individual's United States passport, consistent with 42

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U.S.C. s. 652(k)(1), the Title IV-D agency shall have procedures to certify to the Secretary of the United States Department of Health and Human Services, in the format and accompanied by such supporting documentation as the secretary may require, a determination that an individual owes arrearages of support in an amount exceeding \$2,500 ~~\$5,000~~. Said procedures shall provide that the individual be given notice of the determination and of the consequence thereof and that the individual shall be given an opportunity to contest the accuracy of the determination.

Section 4. Section 409.25641, Florida Statutes, is amended to read:

409.25641 Procedures for processing automated administrative enforcement requests.--

(1) The department ~~Title IV-D agency~~ shall use automated administrative enforcement, as defined in Title IV-D of the Social Security Act, in response to a request from another state to enforce a support order and shall promptly report the results of enforcement action to the requesting state.

(2) This request:

(a) May be transmitted from the other state by electronic or other means.

(b) Shall contain sufficient identifying information to allow comparison with the databases within the state which are available to the department. ~~Title IV-D agency, and~~

(c) Shall constitute a certification by the requesting state:

1. Of the amount of arrearage accrued under the order; and
2. That the requesting state has complied with all procedural due process requirements applicable to the case.

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655 (3) If assistance is provided by the department ~~Title IV-D~~
656 ~~agency~~ to another state as prescribed above, the department may
657 not ~~neither state shall~~ consider the case to be transferred from
658 the caseload of the other state to the caseload of the
659 department, but the department may establish a corresponding case
660 based on the other state's request for assistance ~~Title IV-D~~
661 ~~agency.~~

662 (4) The department ~~Title IV-D agency~~ shall maintain a
663 record of:

664 (a) The number of requests received;

665 (b) The number of cases for which the department ~~Title IV-D~~
666 ~~agency~~ collected support in response to such a request; and

667 (c) The amount of such collected support.

668 (5) The department shall have authority to adopt rules to
669 implement this section.

670 Section 5. Every 4 years, the Office of Program Policy
671 Analysis and Government Accountability shall evaluate the
672 effectiveness of the system currently used for complying with the
673 federally required review of the state's child support
674 guidelines. The evaluation shall include a comparison of all
675 available methodologies being utilized by other states in
676 conducting their reviews of their child support guidelines and
677 include recommendations for either maintaining the current review
678 process with the Legislature or transferring the responsibility
679 to another entity. A report shall be submitted to the Governor,
680 the President of the Senate, and the Speaker of the House of
681 Representatives by January 31, 2007.

682 Section 6. This act shall take effect July 1, 2006.